REMARKS/ARGUMENTS:

The final Office Action dated June 9, 2009 concluded as follows for the subject application:

- Claims 81, 85 and 106 are rejected under 35 USC 101 as directed to non-statutory subject matter;
- Claims 81, 85 and 106 are rejected under 35 USC 112, 1st ¶ for not being disclosed in the application as originally filed;
- Claims 31-32, 35-41, 49-50, 52, 55-56, 58-60, 62-65, 67-68, 70-71, 73-74, 76-77, 80-89, 98-102, 104-110, 112-113, 121-124 and 126-129 are rejected under 35 USC 103(a) as obvious over the combination of Ray (US 6,424,638) with either Keski-Heikkilaet (US 6,882,844) or Vikberg (US 6,925,074) and further with teachings of Ritter (US 6,289,221); and
- Claims 61, 103, 111 and 125 are allowable save for their dependence from a rejected base claim.

A restriction requirement within the non-final office action dated February 6, 2009 restricted examination as between two claimed inventions. Non-elected but previously withdrawn claims 42-43, 45-48, 78-79, 90-97 and 114-120 are canceled herein without prejudice. Additionally, claims 37, 39, 76, 80, 104 and 129 are canceled herein without prejudice.

35 USC 101 and 112, 1st ¶:

Claims 81, 85 and 106 are canceled herein (as are their dependent claims 86-89, 107-113 and 121-127) obviating the rejections under these two statutory provisions. The Applicant reserves the right to re-assert similar claims directed to a stored computer program using terms such as a handover module storing an algorithm, as set forth in the subject application at ¶¶0022 and 0027 at least.

35 USC 103:

Claims 31, 49, 55, 82 and 98 are independent. Claims 31, 49 and 82 are amended herein to recite with particularity that the identity information is transmitted by a cell/access point, where the identity information is of a cell/access point of a first telecommunication network and is transmitted using a structure of the second telecommunication network (support at least

at ¶0033-0034 and 0041, depending on whether the first telecommunication network is GSM or WLAN/Bluetooth). These claims encompass the exemplary embodiments of the invention related to the network cell/access point. Claims 55 and 98 encompass the exemplary embodiments of the invention related to the mobile station. Claim 98 is amended to more particularly recite that the cell identity information is received from the cell whose identity it is, where that cell is of the first telecommunication network and the received identity information has a structure of the second telecommunication network (support as noted immediately above). Claim 55 does not recite from whom the cell identity structure is received but is amended, like claim 98, to recite wirelessly receiving. Using the exemplary embodiments in the subject application for clarity but not by way of limitation, claim 55 encompasses those embodiments in which the mobile station receives from the GSM cell the WLAN cell identity information in the GSM structure as well as the mobile station receiving from the GSM cell the GSM cell identity in the WLAN structure.

Each of these independent claims are also amended to recite that the different telecommunication networks are different radio technologies. Though not asserted in the rejection, this language excludes the case where different network operators (e.g., AT&T Mobility® and Verizon®) operate adjacent/neighboring cells with the same technology (e.g., GSM). Support for this amendment is seen most concisely at ¶0001 of the subject application as originally filed. No new matter is added by any of the claim amendments set forth herein.

The written description states an example of the invention at [0033-0034]:

> During the IDLE mode, the Mobile Station (MS) 150 is first camped in a GSM network 100 and measures GSM neighbors and other radio so as to determine, via a GSM radio, base station identification information regarding to a WLAN cell like an ordinary CSM cell. The WLAN broadcasts GSM cell information messages continuously or only when new Mobile Station or new device attempts to make contact via the wireless LAN 200.
> When entering the wireless LAN 200, the Mobile Station (MS) 150 first establishes communication with the wireless LAN 200 and receives the above played GSM cell information messages.

The example set forth at ¶0041 describes a further embodiment in which the mobile station receives, on its GSM radio from the GSM cell, the identification information for the WLAN

cell, and that same WLAN information in the GSM format is also broadcast by the WLAN cell.

As will be shown below, the claims as amended herein more particularly recite this above-summarized invention in a manner that patently distinguishes over the cited art.

Ray is directed to an inter-system handover (title) in which an Internet telephony system is used for performing a handover between different types of systems (abstract). Figure 3 most clearly illustrates the Ray concept, and the signaling diagrams 2B and 4 are consistent with the illustrated system at Figure 3. As detailed at col. 4 lines 55-65, a currently serving GSM MSC 14a sends an identity message 315 (X, Y coordinates) for the GSM base station 25a to an Internet Gatekeeper 320. The Internet Gateway 310a, though which the message is sent, converts it to IP protocol. At col. 5 lines 7-12, 23-26 and 36-42, the Internet Gatekeeper checks a database 325 of wireless systems to find another wireless system close to the GSM base station 25a and finds one 25b. At col. 6 lines 1-11 and 21-39, the Internet Gatekeeper 320 returns the list of possible neighbors to the original MSC 14a, a cell 14b is selected and the original MSC 14a contacts the MSC 14b associated with the selected target base station 25b for a handover of the mobile station 20. The Internet Gateway 310b associated with the other wireless system (D-AMPS in Ray) converts the IP message into an equivalent D-AMPS message for the target MSC 14b. Actual handover of the MS 20 occurs via normal Handover Command and Handover Complete messages (col. 6 lines 51-56). In no instance does any BTS of Ray transmit cell identity information for a BTS of one network/radio technology using a structure of the opposing BTS's network/ radio technology. The Gateways/Gatekeeper do not wirelessly transmit anything.

To modify Ray so as to dispense with the need for the Internet Gateway/Gatekeeper aspects is to change its entire principle of operation, a modification not allowed under the constraints of obviousness (MPEP 2143.01 part VI). This is true regardless of the substance of other references.

The final rejection asserts Vikberg for the proposition of a high speed access point which 'mimics' a cellular BTS in regard to the information it broadcasts, citing to col. 5 lines 5-30. Respectfully, those teachings of Vikberg as quoted in the final office action at pages 6-7 do not relate to the presently claimed 'structure' of the first/second telecommunication network in which the cell identity information is transmitted. The cited teachings simply refer to the cells of a Bluetooth system being defined similarly as those of a conventional GSM BTS. This relates to the architecture of the system/cell, not to the format of the messages being transmitted. As seen at Figure 1, Vikberg's mobile terminal MT 1 can access a GSM network 10 via the base station susbsystem BSS 101 (col. 4 lines 15-32) or alternatively can access the fixed access network 10' via a home base station HBS 104 that uses unlicensed spectrum such as for example WLAN, DECT or Bluetooth (col. 4 lines 38-62). In either connection mode the MT 1 can access the core network portion 20. The HBS 104 does not transmit using a GSM format/structure, nor does the BSS 101/BTS 103 transmit using a WLAN/DECT/Bluetooth structure. What the cited teachings of Vikberg describe is that the coverage area for the HBS 104 using the unlicensed spectrum is similar in concept to the coverage area of the conventional BSS 101/BTS 103 of the GSM system. That both WLAN/DECT/Bluetooth and GSM use a similar concept for access node and cell area coverage is not particularly relevant to, and in no way renders obvious, an access node in one system transmitting identity information using a structure/format of a different system/radio technology (or transmitting identity information for an access node operating in a different radio technology using a structure/format of the transmitting node's own system/radio technology).

Keski-Heikkilaet is cited for the proposition that a common cell ID format can render obvious the above noted and presently claimed 'structure' of the first/second telecommunication network in which the cell identity information is transmitted. Respectfully, to read this teaching as rendering the claimed "structure" as obvious improperly reads the limitation out of the claim. The claim does not recite that there is a common structure but that the identity of the cell in the one network/radio technology is transmitted using the structure of the other network/radio technology. That there is a permanent and common cell ID in Keski-Heikkilaet is beside the point, that cell ID information must still be transmitted if in fact the

Keski-Heikkilaet teachings are to render obvious the independent claims as amended herein. But Keski-Heikkilaet does not teach that there is a common format or structure by which the permanent/common cell ID is transmitted, and so this reference does not teach or suggest the presently claimed 'structure' of the first/second telecommunication network in which the cell identity information is transmitted.

Ritter is cited for the broad proposition that there is a common BSC/MSC architecture when each neighboring cell is both GSM and TD/CDMA capable as in Ritter's Figure 1. This mere commonality is insufficient for obviousness given the independent claims as amended herein, because Ritter does not teach that the GSM radio of one BS transmits the cell ID for a neighbor TD/CDMA BS using the GSM format (or alternatively the TD/CDMA radio of one BS transmits the cell ID for a neighbor GSM BS using the TD/CDMA format) as would be minimally necessary to approach the amended claim language. Since not all neighbor cells will be both GSM and TD/CDMA capable, and more importantly not every mobile will be dual GSM/TD-CDMA capable, the cell ID for the cell operating with GSM is not the same ID as that same cell operating with TD/CDMA, else cell ID distribution would have to be coordinated among all TD/CDMA and all GSM cells for all different operators.

Ritter also teaches away from the subject invention because there is no need to handover between TD/CDMA and GSM since each of the BSs Ritter considers is dual capable. One cell can handover to another in either GSM or TD/CDMA, and if the need arises to change radio technologies for a mobile terminal the changeover can occur while the mobile terminal is within the cell, thus avoiding the need to transmit additional cell IDs in the different radio technology formats, the motivation to do so being to save scarce radio spectrum.

Each and every claim presented herein patentably distinguishes over the cited references, alone (Ray) or in combination with any other reference(s) of record, for reasons set forth above.

The Applicant thanks the Examiner for the extensive examination already to date, and now respectfully requests the claims presented herein now be finally passed to issue. Please note

in the Patent Office records for this application the new correspondence address and attorney docket number at page 1 of this paper.

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